COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS – CITY HALL
107 NORTH NEVADA AVENUE
AUGUST 2, 2013 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Vice Chairman Clauss, Mr., Davis, Ms. Frias, and Mr. Gorman. Members Absent: Ms. Holmes, Mr. Nemeth, and Mr. Stephens. Also present: Board Legal Advisor Britt Haley. In the absence of Chairman Stephens, Vice Chairman Clauss presided**.**

COMMUNICATIONS

1. License Enforcement Officer Lee McRae stated that the applicant for Item No. 5 has withdrawn the application.

MINUTES

2. Motion by Frias, second by Davis, that the Minutes of the Board meeting of July 19, 2013 be approved as written. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set for the following applications:

A. The Public House, LLC dba The Public House, LLC, 445 E. Cheyenne Mountain Boulevard, #G:

North: South side of Gold Rush Drive extended
South: North side of Crosstrail Drive extended
East: West side of Quail Lake Circle extended
West: East side of Springridge Drive extended

B. Diamond Concessions of Colorado Springs dba Diamond Creations of Colorado, 4385 Tutt Boulevard:

North: South side of Charlois Court extended
South: North side of Swainson Drive extended
East: West side of Jedediah Smith Road extended
West: East side of Templeton Gap Road extended

Motion by Frias, second by Davis, that the Consent Calendar be approved. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

TRANSFER APPLICATIONS

4. **Application of Lumbini, Inc. dba Little Nepal to transfer the Hotel and Restaurant Liquor License currently issued to Punjab Enterprises, Inc. dba Taste of India, 4820 Flintridge Drive.**

Attorney Erika Kaiser entered her appearance on behalf of the applicant.

Keshav Raj Adhikari was sworn and stated that he is the 33% owner and president of the business; that he and two other family members also have owned and operated another Little Nepal restaurant on 8th street for six years with no violations; that all employees receive certified training; that they are investing $65,000, of which said funds were derived from a $20,000 loan from the prior licensee, and a $45,000 loan from the funds of the existing Little Nepal that is operated by a related entity; and that they have a five year lease for the 2380 square foot premises.

In response to questions from the Board, Mr. Adhikari stated that all employees have already been trained, and that he understands that when the temporary permit expires on August 21, they will not be able to serve, sell, or possess any alcohol beverages until the transfer application has been approved by the State and new licenses have been issued.

Motion by Gorman, second by Frias, that the application of Lumbini, Inc. dba Little Nepal to transfer the Hotel and Restaurant Liquor License currently issued to Punjab Enterprises, Inc. dba Taste of India, 4820 Flintridge Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

NEW APPLICATION HEARINGS

5. Application of Dal B. Lee dba SL Liquors for a Retail Liquor Store License at 5109 Austin Bluffs Parkway.

This application was withdrawn by the applicant and the item was not heard.

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6. **Application of MEG 123, LLC dba Mining Exchange Hotel or The Gold Room for a Tavern Liquor License at 18 S. Nevada Avenue.**

Attorney Vince Linden entered his appearance on behalf of the applicant.

Perry Sanders was sworn and stated that he is the 100% owner and managing member of the LLC; that the company also has an existing Hotel and Restaurant license on adjacent properties, but could not be included with this premises due to the non-contiguous nature of

the properties; that this new license will be operated as an extension of the existing hotel as event and banquet space, however will be operated as a separate and distinct facility for inventory and liquor licensing purposes; that possession of the 29,000 square foot premises by virtue of a concessionaire's agreement with a related entity on an annual renewal basis, with intent to purchase the property; that there have been no prior violations of liquor laws; that he has invested approximately $250,000, of which said funds were derived from existing and personal capital contributions; that Michael Stewart will be the registered manager for this liquor license; that employees receive certified training; that all floors of the building are to be licensed; that the first floor will have open space for conference or banquet seating with a stage and complete kitchen; that the second floor has mezzanine seating overlooking first level, a service bar, and overflow room for breakout rooms; that the third floor is intended to accommodate either more breakout rooms or more open event space, and will not be open to the public until built out; that if the final build out is not as submitted, they will apply for modification; and that basement area is for additional meeting rooms and breakout space .

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated the company conducted the petition survey which resulted in 156 favoring, 3 opposing, and 2 no opinion signatures.

In response to questions from the Board, Mr. Sanders stated that this building requires a separate liquor license, as the two premises are not contiguous; that unlike the other license, this application is for a Tavern license, however many functions will have full meals provided; and that the third floor will be event space, but the final configuration of the interior walls have yet to be determined.

Motion by Davis, second by Frias, that the application of MEG 123, LLC dba Mining Exchange Hotel or The Gold Room for a Tavern Liquor License at 18 S. Nevada Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

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7. **Application of BBB CS1, LLC dba Smashburger for a Hotel and Restaurant Liquor License at 3604 Austin Bluffs Parkway.**

Attorney Larry Gaddis entered his appearance on behalf of the applicant.

Lucas Farnham was sworn and stated that the applicant LLC is 100% owned by Better Burger Builders, LLC, which is in turn co-owned by Front Range Burgers, LLC and Farnham Restaurant Group, LLC; that Allison and Lucas Farnham are the managing members of applicant, and have previous and existing experience in Oregon and Colorado with Black Bear Diner with no prior no violations; that they are investing $530,000, of which said funds were derived from existing corporate accounts; that there will be approximately 25-30 employees who will all receive in house certified training; that all customers appearing below 40 years of age will be required to present valid ID; and that they have a ten year lease for the 2860 square foot premises.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated the company conducted the petition survey which resulted in 94 favoring, 2 opposing, and 3 no opinion signatures.

In response to questions from the Board, Mr. Farnham stated that they are amending the diagram to exclude the outdoor patio from the licensed premises; that they will have signage on doors and employees will be trained for no service outside; that there will be surveillance cameras used and management on the floor at all times; and that the patio is completely visible from inside the establishment.

Motion by Gorman, second by Frias, that the application of BBB CS1, LLC dba Smashburger for a Hotel and Restaurant Liquor License at 3604 Austin Bluffs Parkway, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Holmes, Nemeth, Stephens.

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At 9:59 A.M., there being no further business, the

BOARD ADJOURNED

Lee McRae
License Enforcement Officer
Office of the City Clerk